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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/826,342	04/19/2004	Yoshinobu Tanaka	042336	9476
38834 7590 11/12/2008 WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP 1250 CONNECTICUT AVENUE, NW SUITE 700 WASHINGTON, DC 20036				
EXAMINER				
MOTSINGER, SEAN T				
ART UNIT		PAPER NUMBER		
2624				
MAIL DATE		DELIVERY MODE		
11/12/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/826,342

Applicant(s)

TANAKA ET AL.

Examiner

SEAN MOTSINGER

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 3, 6-8 and 10 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1, 2, 4, 5, 9 and 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 19 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/888)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Applicants Arguments/Amendments

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 8/11/2008 has been entered.

Applicants arguments with respect to 35 U.S.C. 112 and the objections to the specification have been fully considered and the amendments have overcome the rejections and objections.

Applicants arguments with respect to the rejections under 35 U.S.C. 103 have been fully considered but are unpersuasive or moot in view of the new grounds of rejection. The following arguments are not persuasive.

Applicant argues that the line buffer of Ke does not have capacity corresponding to one line of the image data because it only stores the 5 MSB. The examiner disagrees the language of Ke states that "Yp may be stored in a line buffer as the 5 MSB" to reduce line storage requirements. This is only an option of reducing the storage requirements presented to someone implementing Ke which need not be exercised to practice the invention disclosed in Ke. Ke clearly implies that the larger memories could be used see (column 5 lines 50-55).

Applicant argues that thinning out pixels is not performed by Ke. The examiner disagrees Ke clearly discloses thinning out by a 7/8 ratio in column 5 lines 10-15.

Applicant argues that the added average of claim 5 is not disclosed in Ke. Applicant however appears to rely on the specification (figure 8a and page 11) not the claim language to distinguish his added average from the added average of Ke. Such elements are not positively recited in the claim.

Rejections under 35 U.S.C. 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-2, 4-5, 9, 11-15 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1 and 15 recites the limitation the block to be resized in claim 1. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-2, 4-5, 9 and 11-15 are rejected under 35 U.S.C. 103 (a) as being unpatentable over U.S. Patent Number 6,094,226 issued to Ke et al. ("Ke") in view of Hideo et al. JP H11-053532 et al..

Re claim 1 Ke discloses An image processing apparatus said image processing apparatus comprising:

a first resizing means (figure 2a element 120) for resizing said image data in a first direction (horizontal see figure 2(a);

a line storage means (figure 2a element 232) including at least one 1-line line memory having capacity for storing image data corresponding to one line along the first direction of the image data outputted from the first resizing means;

and a second resizing means (figure 2a element 234) for resizing in a second direction (vertical see figure 2a) with using image data (figure 2a element 231 Yc) of the image resized outputted from said first resizing means, and using and image data adjacent to the image data resized acquired from said line storage means (data YP stored in the line buffer figure 2a).

Hideo discloses taking N.times.M pixels (N, M being a natural number of 2 or more) as one block, for processing image data consisting of a plurality of blocks by the unit block and resizing (see paragraph 6), resizing using and

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image data of a block adjacent to the block to be resized acquired from a line storage means (see paragraph 9). The motivation to combine is so that "expansion of a picture can be carried out to a block unit". Therefore it would have been obvious to combine Ge with Hideo to reach the aforementioned advantage.

For claim 2, Hideo discloses a decoding means for decoding compressed and encoded image data block by block, the image data decoded at the decoding means being subjected to the resizing (Mpeg decoder paragraph 8).

For claim 4, Ke discloses "a thinning out pixels in the first direction" in col. 5 lines 8-15.

For claim 5, Ke discloses "an added average of a number of pixels in the first direction" in col 5.

For claim 9, Ke discloses a single line memory and "2-point interpolation in the second direction" in col 5 lines 28-42.

For claims 11-13, the ability to either apply or bypass a resizing process is within the ordinary skill in the art at the time of invention. The Examiner takes Official notice that a person of ordinary skill in the art at the time of invention is able to either apply or bypass a resizing process for resizing image data.

For claim 14, Ke discloses that the line storage means has a capacity corresponding to a display region of an external display apparatus (column 5 lines 29-30).

For claim 15 claim 15 is substantial the same as claim 1 written without means plus function language. It is likewise rejected.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SEAN MOTSINGER whose telephone number is (571)270-1237. The examiner can normally be reached on 9-5 M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571)272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jingge Wu/
Supervisory Patent Examiner, Art Unit 2624

Motsinger
11/8/2008